

## Faulk, Camilla

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**From:** Kelly, Deborah [DKelly@co.clallam.wa.us]  
**Sent:** Friday, April 29, 2011 2:56 PM  
**To:** Faulk, Camilla  
**Subject:** re: Proposed Rule 4.11

It is distressing to see the Supreme Court enact rules at the behest of the criminal defense bar that result in better treatment for perpetrators than victims. Anyone accused of a crime can decline to speak to law enforcement and if they do choose to speak to law enforcement, can refuse to be recorded.

Victims and witnesses, for obvious reasons, are not permitted to refuse to speak to defense lawyers and investigators. Although their only offense is that they allowed themselves to be victimized or were unfortunately present when someone else was, they are effectively compelled to speak on pain of the charges against the defendant potentially being dismissed.

One of the few, minute pieces of control they have in our system is some small say in the circumstances of how those interviews occur. This proposed rule takes yet another of those few pieces away. It is bad for that reason.

While this office encourages victims and witnesses to permit recording of their interviews for many reasons, it is nonetheless morally wrong to further victimize them for little more than the convenience of the other players in the system by compelling recording.

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